

STATE OF TENNESSEE

Office of the Attorney General



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October 1, 2003

Honorable Deborah Taylor Tate
Chairman
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, Tennessee 37243

**RE: PETITION OF CHATTANOOGA GAS COMPANY, NASHVILLE GAS COMPANY, A
DIVISION OF PIEDMONT NATURAL GAS COMPANY, INC., AND UNITED CITIES
GAS COMPANY, A DIVISION OF ATMOS ENERGY CORPORATION FOR A
DECLARATORY RULING REGARDING THE COLLECTIBILITY OF THE GAS COST
PORTION OF UNCOLLECTIBLE ACCOUNTS UNDER THE PURCHASED GAS
ADJUSTMENT ("PGA") RULES
Docket No. 03-00209**

Dear Chairman Tate:

Enclosed is an original and thirteen copies of a Motion for Summary Judgment by the Consumer Advocate and Protection Division of the Office of the Attorney General in the above-referenced matter. Kindly file the attached in this docket. By copy of this letter, we are serving all parties of record. If you have any questions, please feel free to contact me at (615) 532-3382. Thank you.

Sincerely,

Shilina B. Chatterjee
Assistant Attorney General
(615) 532-3382

Enclosures

cc: Kim Beals, Esq.
Hearing Officer
All Parties of Record

69424

**IN THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE**

IN RE:) DOCKET NO. 03-00209
PETITION OF CHATTANOOGA GAS)
CO., NASHVILLE GAS CO., A)
DIVISION OF PIEDMONT NATURAL)
GAS CO., INC. AND UNITED CITIES)
GAS CO., A DIVISION OF ATMOS)
ENERGY CORP. FOR A)
DECLARATORY RULING)
REGARDING THE COLLECTIBILITY)
OF THE GAS COST PORTION OF)
UNCOLLECTIBLE ACCOUNTS)
UNDER THE PURCHASE GAS)
ADJUSTMENT ("PGA") RULES.)

**MOTION FOR SUMMARY JUDGMENT BY THE CONSUMER ADVOCATE &
PROTECTION DIVISION OF THE OFFICE OF THE ATTORNEY GENERAL**

Comes Paul G. Summers, the Attorney General & Reporter, through the Consumer Advocate and Protection Division of the Office of Attorney General (hereinafter "Attorney General") and hereby moves for summary judgment in the above-referenced matter. Attached is a memorandum of law in support of this motion. There is no dispute of material fact and therefore, summary judgment should be granted.

The Attorney General will show that:

1. A plain reading of the PGA rules shows that uncollectible accounts are not included within the framework of the PGA rules. Moreover, the TRA did not establish the PGA to recognize uncollectible accounts.

2. Since the rules do not allow inclusion of uncollectible accounts, a declaratory order seeking such an interpretation concerning the gas costs portion of uncollectible accounts related to the PGA is moot.


3. The Petitioners must demonstrate extraordinary circumstances to justify a waiver or change in the rules.

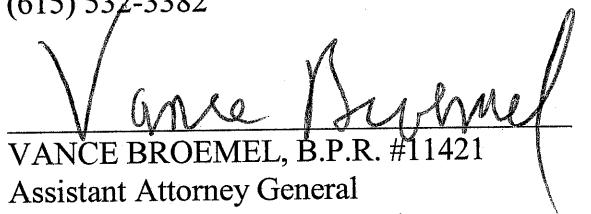
4. Rule-making is the appropriate forum for modifying the PGA rules. Since the interpretation sought by Petitioners would alter the current rules and have a broad and far reaching effect, a rule-making proceeding would be more suitable. Therefore, the foregoing indicates that summary judgment is appropriate in this case.

CONCLUSION

Based on the foregoing, the Attorney General respectfully requests that the TRA dismiss the petition in this matter and grant summary judgment.

RESPECTFULLY SUBMITTED,


SHILINA B. CHATTERJEE, B.P.R. #20680
Assistant Attorney General
(615) 532-3382


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Dated: October 1, 2003

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served via facsimile and/or hand delivery on October 1, 2003.

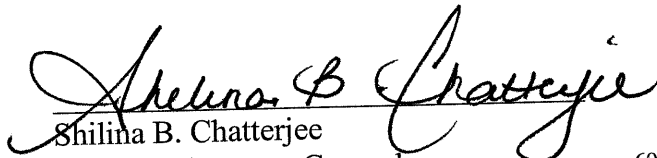
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